

## State Disputes Gas Valuation In Rate Fight

**Consolidated Property Worth  
\$44,000,000 Below Sum  
Fixed by Court, Chambers  
Argues in Final Appeal**

**City Assails Standard Oil**

**Company Insists 80c. Rate  
Is Confiscatory; Decision  
Linked With Other Cases**

From The Tribune's Washington Bureau  
WASHINGTON, Nov. 18.—Arguments in the controversy over the 80-cent rate in New York City, in which Attorney General Newton, of New York State, is appealing from the decision of Federal District Judge Hand in favor of the Consolidated Gas Company, were completed before the Supreme Court of the United States this afternoon. A decision may be delayed until the arguments in similar pending cases have been heard.

W. L. Ransom, for the Consolidated, closed the argument. Previous to that, Deputy Attorney General W. W. Chambers and Associate Corporation Counsel John P. O'Brien, of New York City, presented arguments on the public side.

Owing to statements that the Public Service Commission had withdrawn from the case, the court inquired about this in the course of Mr. Chambers' appearance. Mr. Chambers explained that there had been no withdrawal, that the Public Service Commissioner, Lewis Nixon, who was in the case when it was begun had been legislated out of office and there was a new commission, which was not taking an active part in the action, but stood ready to fix a rate when the controversy before the court had been decided.

### State Criticizes Valuation

One of the contentions made by Mr. Chambers was that a fair valuation of the property of the Consolidated would not exceed \$28,000,000, as against more than \$72,000,000 fixed by the lower court. He insisted the company had had a fair return ever since the 80-cent rate had been put into force. He took up the \$12,000,000 surplus fund of the company, which is called a "contingency fund," and said if the company were not making a fair return it could reach into this fund. He charged that the court below had violated well known principles in fixing the depreciation of the plant, and he insisted the company had had a 6 per cent return, and \$27,000,000 excess, on a fair value of its property from 1906 to date of trial.

Mr. O'Brien urged the court to pay close attention to the price paid by the company for gas oil to the Standard Oil Company of New Jersey. He said that William Rockefeller, who is heavily interested in the Standard Oil Company, also was interested in Consolidated Gas, and was instrumental in making the gas oil contracts. He argued that the Consolidated was paying much more for gas oil than is paid by gas companies in Philadelphia, New Jersey and Boston.

Mr. O'Brien contended that the Standard Oil Company, by controlling the price of gas oil used by the Consolidated, could make any rate appear confiscatory.

### Speed Immigrant Service

**United American Claims Record on Prepaid Passenger**

Emil Lederer, director of passenger traffic for the United American Lines, claims the record for speed in handling a prepaid third class passenger, in

which the traveler arrived thirty days after arrangements were made by his friends on this side.

The prepaid ticket was sold by one of the company's agents on October 7, was received at the New York office and was dispatched to the Hamburg agents on October 8. The passenger left Europe on October 27 on the Hansa and arrived in New York on November 6. The transaction was handled entirely by mail.

**Marcel Dupre Dedicates  
New Wanamaker Organ**

**Famous Organist of Notre Dame Cathedral Is Heard at Invitation Concert**

Marcel Dupré, organist of Notre Dame Cathedral, Paris, appeared here for the first time last night at the Wanamaker Auditorium, when he inaugurated the new concert organ just completed there. A specially invited audience, consisting of several hundred New York musicians, attended the recital and greeted the famous European artist with special honors, including the presentation of a gilded wreath by the local society of organists.

The feature of the evening was the artist's improvisation of a complete symphony in four movements based on themes suggested by six prominent local organists, including Edward Shippen Barnes, of Rutgers Presbyterian Church; Clarence Dickinson, of the Brick Presbyterian Church; Lynwood Farnam, Church of the Holy Communion; T. Tertius Noble, of St. Thomas's Church; Frederick Schlieder, of the Collegiate Church of St. Nicholas; and Charles M. Courboin, Wanamaker guest soloist, who was received with great applause, and easily was his greatest achievement of the evening.

The program consisted also of "Fantasie and Fugue in G Minor," and "First Sonata in E Flat Major," by Bach; Cesar Franck's "Choral in B Minor" and the scherzo from Widor's "Fourth Symphony."

## Thanksgiving Day Dinner Necessaries Show Slight Drop

**Turkey, Traditional Mainstay, Still Is a Gamble, but Celery and Pumpkins Are on Decline**

The cost of the Thanksgiving dinner this year probably will be a little less than last year, according to wholesale food prices made public yesterday by the State Department of Farms and Markets.

Turkey, the traditional mainstay of the dinner, always is more or less of a gamble at this season of the year, shipments depending to a large extent upon the state of the weather. Unless a few weeks of sharp weather precede Thanksgiving, many turkey breeders are unable to get their birds in proper shape for the market and hold most of them over for Christmas.

Prices prevailing yesterday for turkeys in the wholesale markets were somewhat lower than those of the same day last year; fancy Western dressed turkeys were selling for from 50 to 62 cents a pound. Last year the price was 55 cents. Potatoes, celery, spinach, turnips, pumpkins, butter and eggs all were lower than on the corresponding date last year.

The following is a comparison of wholesale prices of principal farm products yesterday with those of the corresponding date last year:

	1921.	1920.
Apples, Baldwin, A grade, 2 1/2 in. per bbl., \$5.00@7.50	\$4.00@5.00	\$5.00
Apples, Greenings, A grade, 2 1/2 in. per bbl., \$2.00@3.00	\$3.00@4.00	\$5.00
Wash. bunch, 1 1/2@2 1/4 c	3@4 c	
Brussels sprouts, 10@20 c	18@25 c	
Long Island, qt., 6@8 c	4@5 c	
Celery, best, large crate	\$2.00@4.00	\$3.25@4.50

## Gov. Miller Installs Time Clock in Office

**Special Dispatch to The Tribune**  
ALBANY, Nov. 18.—A time clock has been installed in the executive offices, and the goings and comings of the Governor's employees are being carefully checked. Governor Miller is away from the capital at present, but members of his staff declare that they will appeal to him for the removal of the labor recording device on his return.

All of the other state departmental workers have been working under the regime of the time clock. Those employed in the Governor's office, however, declare that they are entitled to extra consideration for the reason that Governors and administrative affairs seldom keep regular hours. As a result, they believe they should be allowed to catch up on their sleep schedules when they see fit.

	1921.	1920.
Cider, gal., 40@50 c	30@40 c	
Oyster plant, bunch	6@10 c	
Potatoes, up-state, bulk, 150 lbs., \$2.50@3.75	\$3.75@4.25	
Pumpkins, choice variety, bbl., \$1.00@1.25	\$1.50@2.25	
Radishes, red tip, bunch, 1 1/2@2 c	3@4 c	
Spinach, Long Island, 25 lbs., 60@75 c	\$1.00@1.75	
Sweet potatoes, Virginia, bbl., \$2.75@3.25	\$1.75@2.00	
Turnips, white, bbl., \$1.00@1.50	\$1.50@2.00	
Country dressed calves, medium grade, lb., 12@15 c	20@25 c	
Turkeys, Western, dressed, fancy, lb., 60@50 c	55 c—	
Butter, best, creamery, lb., 43@45 c	63 1/4@66 c	
Eggs, best, white, dozen	23@26 c	\$1.06@1.08

## Court Rules Sunday Sanctified Holiday; R. R. Loses \$4,070

**Cereal Co. Claim for Goods  
Burned Based on Issue of  
48 Hours in Contract With  
Road Included Sabbath**

Upon an agreed state of facts, in an action brought by the Cereal Products Company against the Delaware, Lackawanna & Western Railroad Company, the Appellate Division, yesterday had to settle only the question as to whether Sunday was a legal holiday.

The decision of the court was that Sunday is a "sanctified holiday."

The Cereal Products Company shipped from Wisconsin to Weehawken on the railroad of the defendant 740 bags of malt. It arrived in Weehawken on a Friday and was stored aboard of a lighter. The bill of lading provided that the railroad company would not be responsible unless the goods were removed in forty-eight hours, exclusive of holidays. On the following Monday, three days later, the malt was damaged by a fire that broke out on a steamer alongside of the lighter. The cereal company put in a claim for the loss of the shipment, which the railroad company rejected on the ground that more than two days had elapsed between the time the malt was received in Weehawken and its destruction.

The Cereal Products Company's reply to the contention of the D. L. & W. that three days had elapsed raised the point that Sunday was a holiday and, therefore, only two days—Saturday and Monday—had intervened. All other facts being agreed upon, the question as to whether Sunday could be considered a legal holiday was put up to the Appellate Division.

"The Legislature of the state," said Justice Laughlin, "left the status of Sunday a sanctified holiday as it ex-

isted at common law. It is a law of nature that one day in seven must be observed as a day of relaxation and refreshment, if not public worship. . . . The purpose in excluding legal holidays applies with greater force to Sundays than other holidays, for ordinarily such work may be done on a statutory holiday, but may not be done on Sunday."

## Tax on Egyptian Cotton Protested by Planters

**Agricultural Syndicate Officer  
Cables Tribune of Objections to Tariff**

The following cablegram was received by The Tribune last night from Maher Pacha, vice-president of the Agricultural General Syndicate of Egypt, at Alexandria:

"In the name of the Egyptian grow-

ers we protest against the tax on Egyptian cotton provided for in the emergency tariff bill, and in the interest of America as well as ourselves we urge you to protest against its incorporation in the permanent tariff bill. The Egyptian growers are total strangers to the agreement discriminating against American boats. Against this agreement, signed under threatening foreign pressure, we and the Egyptian press have protested to our government, which is taking necessary measures."



Grantland Rice,  
from a sketch by  
James Montgomery Flagg

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This is to certify that under our personal supervision the lubricating system and crank case of a Studebaker Special Six Sedan, in which Oildag had been used, was completely drained, and the car was then driven from 79th Street and Broadway up Riverside Drive, Lafayette Boulevard, Broadway to 218th Street and return, a distance of 16.8 miles. Four passengers were carried. At the end of the run the motor was cool and running in perfect condition. Evidently the friction must have been greatly reduced to enable the motor to perform this extraordinary feat.

R. HOLZHAUSER, Superintendent,  
Studebaker Service Station.  
BURTON S. BROWN, Auto Editor,  
New York Herald.  
J. H. FORD, Auto Editor,  
New York Tribune.

J. C. PHILLIPS, Mechanical Engineer,  
New York Steam Corporation.  
H. V. MIDDLEWORTH, Superintendent Trans. Dept.,  
Consolidated Gas Co. of N. Y.

We announced on Thursday that we would run a Studebaker car under its own power, with full passenger load, 15 miles with the crank case and bearings dry—that not a drop of lubricant would be used during the test. This run was made Friday before a representative committee of business and scientific men, who thoroughly examined the motor both before and after the test. They found there was practically no variation in the heat of the motor or in its mechanical action despite the fact that the car was operated at an average touring speed throughout the run.

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